

# SENATE RECORD VOTE ANALYSIS

104th Congress  
1st Session

Vote No. 66

February 14, 1995, 3:39 p.m.  
Page S-2616 Temp. Record

## BALANCED BUDGET AMENDMENT/Off-Budget Emergency Spending

**SUBJECT:** A Resolution Proposing a Balanced Budget Amendment to the Constitution of the United States . . . H.J. Res. 1. Dole motion to table the Boxer amendment No. 240.

### ACTION: MOTION TO TABLE AGREED TO, 70-28

**SYNOPSIS:** Pertinent votes on this legislation include Nos. 62-63, 65, and 67-98.

As passed by the House, H.J. Res. 1, a resolution proposing a Balanced Budget Amendment to the Constitution, is virtually identical to the balanced budget constitutional amendment that was considered last year by the Senate (see 103d Congress, second session, vote Nos. 47-48). The resolution: will require a three-fifths majority vote of both Houses of Congress to deficit spend or to increase the public debt limit; will require the President's annual proposed budget submission to be in balance; and will require a majority of the whole number of each House to approve any bill to increase revenue. Congress will be allowed to waive these requirements for any fiscal year in which a declaration of war is in effect. Congress will enforce and implement this amendment by appropriate legislation. The amendment will take effect in fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later. The States will have 7 years to ratify the amendment.

**The Boxer amendment** would provide that the provisions of this balanced budget amendment to the Constitution could be "waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists)."

Debate was limited by unanimous consent. Following debate, Senator Dole moved to table the Boxer amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

**Those favoring** the motion to table contended:

Congress has always overwhelmingly approved the giving of emergency aid to respond to dire emergencies. Our colleagues, having been in Congress for many years, are aware that such deficit spending bills typically pass by supermajority votes or by

(See other side)

YEAS (70)			NAYS (28)		NOT VOTING (2)	
Republicans (53 or 100%)	Democrats (17 or 38%)		Republicans (0 or 0%)	Democrats (28 or 62%)	Republicans (0)	Democrats (2)
Abraham	Hutchison	Baucus		Akaka		Bradley <sup>-2</sup>
Ashcroft	Inhofe	Biden		Bingaman		Moynihan <sup>-2</sup>
Bennett	Jeffords	Bryan		Boxer		
Bond	Kassebaum	Campbell		Breaux		
Brown	Kempthorne	Dodd		Bumpers		
Burns	Kyl	Exon		Byrd		
Chafee	Lott	Graham		Conrad		
Coats	Lugar	Harkin		Daschle		
Cochran	Mack	Heflin		Dorgan		
Cohen	McCain	Kerrey		Feingold		
Coverdell	McConnell	Kohl		Feinstein		
Craig	Murkowski	Lieberman		Ford		
D'Amato	Nickles	Moseley-Braun		Glenn		
DeWine	Packwood	Nunn		Hollings		
Dole	Pressler	Reid		Inouye		
Domenici	Roth	Robb		Johnston		
Faircloth	Santorum	Simon		Kennedy		
Frist	Shelby			Kerry		
Gorton	Simpson			Lautenberg		
Gramm	Smith			Leahy		
Grams	Snowe			Levin		
Grassley	Specter			Mikulski		
Gregg	Stevens			Murray		
Hatch	Thomas			Pell		
Hatfield	Thompson			Pryor		
Helms	Thurmond			Rockefeller		
	Warner			Sarbanes		
				Wellstone		

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

unanimous voice votes. When aid is truly needed on an emergency basis Republicans and Democrats alike always have been and always will be quick to provide it. The three-fifths majority vote requirement to deficit spend will prove to be no obstacle for emergency disaster bills.

As our colleagues have noted, disasters occur every year, and the Federal Government should be ready to respond. Of course, knowing that disasters will occur ahead of time, the responsible thing to do is to budget for them ahead of time as well. Republicans have suggested such advance funding before but unfortunately have been rebuffed by Democrats (see 103d Congress, 2d session, vote Nos. 38 and 41). Even absent such desirable funding, though, it is abundantly clear that Congress will always respond to emergency situations.

The sponsor of this amendment, when presented with this fact, responded that Congress rejected an amendment last session that contained a provision to strike "emergency" funding for the Cyprus Highway by a vote of 43-52 (see 103d Congress, 2nd session, vote No. 43). Obviously, less than a three-fifths majority was obtained on that vote. However, that vote was last year, 1994, and the Cyprus Highway was damaged in 1989 by the Loma Prieta earthquake. To put it as mildly as possible, 5-years advance notice seems to be an adequate amount of time to figure out how to pay for something. After 5 years, a dire emergency cannot honestly be said to exist.

It is precisely this type of wasteful government spending hiding under the "emergency" banner that needs to be guarded against. Without a supermajority vote requirement, the President could propose any deficit spending he wished simply by asserting it was for an emergency, and with the concurrence of a simple majority in Congress, he could get away with it. The Boxer amendment, in short, is not needed to guarantee that emergency spending will be provided when needed--such funding typically passes by enormous bipartisan majorities. All the amendment would do is put an enormous loophole in the balanced budget amendment. We therefore urge our colleagues to join us in resoundingly rejecting it.

**Those opposing the motion to table contended:**

Balancing the budget should not always be Congress' first priority when a natural or man-made disaster strikes. If a majority of Members in each House think that it is more important to provide aid to disaster victims than it is to worry about balancing the budget, then they should be able to provide that aid. However, under this balanced budget amendment, a three-fifths majority vote in each House will be required before any deficit spending is allowed, even to help disaster victims. The Boxer amendment would correct this situation by allowing aid to be given by simple majority votes in Congress.

If not for the huge increases in military spending and the enormous tax cuts given to the wealthy in the 1980's we would not be in our current fiscal predicament. If not for the courage of President Clinton in 1993 in proposing tax increases on the rich and spending cuts, we would be in an even worse predicament than we are now in. Most of those Senators who are saying a balanced budget amendment is necessary also voted against the President's deficit cutting plan, and for the deficit spending of the 1980's. They say it is impossible to balance the budget without a constitutional requirement; we tell them to follow our lead. Unfortunately, we are in the minority; it appears as though this resolution has a reasonable chance of passing the Senate. Therefore, we hope to make it as flexible as possible. We do not want the worthy goal of having a balanced budget to overshadow other goals which at times may be more pressing. We have offered the Boxer amendment in that spirit.

Almost every year America is stricken by natural and man-made disasters. In recent years it has been hit by the Loma Prieta earthquake, the Los Angeles riots, the Midwest flooding, and Hurricane Andrew, just to name a few. When a disaster strikes, its impact is local and extreme. Local resources are unable to meet the calls for help that ensue. The Federal Government alone has the ability to respond immediately. In the past, it always has. When earthquakes, droughts, floods, riots, and hurricanes have struck, the Federal Government has always been willing to provide money first and worry about the budget later.

Putting a supermajority requirement on the provision of aid would end this humane impulse. A minority of Members could hold aid hostage to partisan politics. Budget concessions on defense spending, for example, could be extracted as the price of permitting deficit spending for disaster victims in California. Even when Senators were not trying to extract concessions it would sometimes be difficult to pass needed emergency aid. This point is proven by the close vote in the Senate last year when only 52 Senators were willing to extend aid to rebuild the Cyprus Highway which had been damaged by an earthquake.

Requiring a supermajority vote to deficit spend for disaster victims goes against the best impulses of the Federal Government. The Government should be able to help people in dire need, even if it has to borrow money to do so. If our colleagues agree, they will join us in opposing the motion to table the Boxer amendment.